

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2116 - SB 2097

March 27, 2009

SUMMARY OF BILL: Authorizes individuals licensed to carry a handgun pursuant to Tenn. Code Ann. § 39-17-1351 to carry the firearm into an establishment that serves alcoholic beverages, wine or beer if such establishment has not posted a handgun restriction notice pursuant to Tenn. Code Ann. § 39-17-1359 and if the individual does not consume alcoholic beverages; to carry the firearm within the boundaries of any public park, wildlife management area, nature trail, camp grounds, forest, waterway, or other similar public place; and to carry the firearm within any federal park, forest, management area, camp grounds, waterway or other property in this state owned or operated by the federal government, to the extent permitted by federal law.

Creates a new Class A misdemeanor, punishable by fine only, for a person knowingly to publish in any form information or records relating to handgun carry permits, renewal applications, or any material required for a permit. Violation may also be enjoined by civil action in which case the court shall award reasonable attorney's fees to the party obtaining the injunction and shall award statutory damages at a rate of \$250 per day.

ESTIMATED FISCAL IMPACT:

Decrease State Revenue – Not Significant
Increase State Expenditures - \$38,200/One-Time

Decrease Local Revenue – Not Significant
Increase Local Expenditures – Exceeds \$50,000/One-Time*

Other Fiscal Impact – A potential loss of \$45,655,000 in federal funding derived from the Title IV-D Child Support Program and Temporary Assistance for Needy Families (TANF) Block Grants.

Assumptions:

- Under current law, it is a Class A misdemeanor for a person to carry a firearm in a public park or in an establishment where alcoholic beverages, beer or wine are served. It is a Class B misdemeanor for a

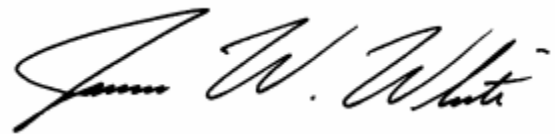
person to carry a firearm in a refuge, public hunting area, wildlife management area unless it is during open hunting season, or in a national forest land maintained by the state.

- Current signage in 53 state parks states that firearms are not allowed. The Department of Environment and Conservation (TDEC) estimates approximately three signs per park, for a total of 159 signs. Some signs state that bringing a firearm into a state park is a misdemeanor subject to fine and imprisonment. Many of the signs contain notice of multiple rules, including the prohibition of firearms. Although the bill does not specify that signs will be modified or replaced, it will be necessary for TDEC to change the signs to comply with this legislation to prevent an inconsistency between the signage and state law.
- TDEC will replace 159 signs at a cost of \$240 each. The total cost of sign replacement will be \$38,160 (159 x \$240). TDEC will use existing personnel to replace the signs. There will be no additional costs for labor.
- Some local governments will have to replace similar signage. It is estimated that the cost to local governments statewide to make such changes exceeds \$50,000 one-time.
- There will not be a sufficient decrease in the number of prosecutions for the state or local government to experience a significant decrease in revenue or expenditures.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and "W".

James W. White, Executive Director

/lsc